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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 978/2019**

VEENA BASSI & ORS

..... Petitioners

Through: Mr. Ashok Kumar Arya, Adv.
with Sh. Shayam Khullar /
petitioner in person

versus

**ANSHU PRAKASH, CHIEF SECRETARY GOVT OF NCT
OF DELHI & ORS**

..... Respondents

Through: Mr. Anupam Srivastava, ASC
for GNCTD with Ms. Sarita
Pandey, Adv. for R-1 & R-4
Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Adv. for DUSIB
Ms. Namrata Mukim, Standing
Counsel for MCD

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

19.01.2024

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1. This hearing is being conducted through hybrid mode.
2. Having heard learned counsels for the parties present physically in the Court as well as through Video Conferencing, the long and short of the entire discussion is that despite directions passed by this Court in LPA 543/2009 dated 23.05.2011, whereby a liberty was granted to the petitioners to file a representation before the Competent Authority, which indeed was submitted, so as to claim alternative sites for the acquisition and demolition of their shops at Azadpur, near Bus Terminal, Delhi for execution of an underpass related to the ongoing Delhi Metro Rail Project [“DMRC”], no decision has been taken and the poor petitioners are running from pillar to post.



3. It is submitted by learned counsel appearing for the respondent No.3 that DUSIB came into existence in the year 2010, and therefore, it has nothing to do with the present matter. Likewise, learned counsel for the MCD also submits that they have nothing to do with the matter in question and they may be deleted from the array of parties. It is evident that there are multifarious agencies involved and they are passing the buck on one another resulting in complete miscarriage of justice.

4. At the same time, learned counsel for respondent no.3 has pointed out that the adjudication of the claims from the affected parties with regard to allotment of alternative sites on acquisition of their land/properties for the DMRC project has been vested and dealt with by the Land and Building Department of the Govt. of NCT of Delhi. Learned counsel for respondent no. 3 undertakes to supply the correct address/details of the department to learned counsel for the petitioners.

5. On the said submission, learned proxy counsel appearing for Mr. Anupam Shrivastav, learned Standing Counsel for the respondent No.1/Govt. of NCT of Delhi requests time to seek instructions.

6. On perusal of the representation made by the petitioners, which is Annexure P-2, I am afraid although there is nothing wrong that it is in Hindi language, however, it is not properly addressed to the concerned Competent Authority and lacking relevant details, probably on account of the fact that the petitioners are hailing from an impoverished background, illiterates and have not been given proper legal advice thereby denying effective access to justice.

7. Mr. Ashok Kumar Arya, learned counsel for the petitioners is impressed upon to get a proper representation drafted in English as



well as in Hindi, properly typed with details, and same be handed over to Mr. Sanjay Pathak, learned Standing Counsel for Land and Building Department, GNCTD within seven days from today with direction that a proper response be filed within four weeks thereafter by the concerned department.

8. Respondent No.1 is also directed to file its response within four weeks from today, failing which, this Court shall be constrained to issue contempt notice to the Chief Secretary, GNCTD.

9. Since the matter is pending for long, the Court *suo motu* impleads the Land & Building Department, Government of NCT of Delhi, as respondent No.5 in the present matter. Let the Registry reflect defendant No.5 as one of the parties without waiting for amended memo of parties.

10. Re-notify on 17.05.2024.

11. Copy of this order be given *dasti* to the learned counsel for the petitioners as well as learned counsel for the respondent No.1 under the signature of the Court Master.

12. A copy of this order be also sent to Mr. Sanjay Pathak, learned counsel for Land & Building Department, GNCTD.

DHARMESH SHARMA, J.

JANUARY 19, 2024

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